

# CONGO BASIN FOREST PARTNERSHIP

## TERMS OF REFERENCE FOR THE GERMAN FACILITATION PHASE 2008-2009

### FINAL VERSION (23-01-2008)

#### 1. BACKGROUND AND FRAMEWORK OF THE CONGO BASIN FOREST PARTNERSHIP

The Congo Basin Forest Partnership (CBFP) is an informal association which today brings together around 40 governmental, non-governmental and international organisations. The CBFP was launched at the World Summit on Sustainable Development (WSSD) in September 2002 in response to a call by the United Nations General Assembly in resolution 54/214 of 1 February 2000 encouraging the international community to support the countries of the Congo Basin, through the provision of financial and technical assistance, in their efforts towards sustainable management of the forests. As a “type II” partnership (“type I” being intergovernmental negotiations), the CBFP is a non-binding network based on a voluntary agreement between governments, the private sector, civil society and development organisations.

At their first meeting in Paris in 2003, the CBFP members agreed to align their support with the COMIFAC process, established through the Yaoundé Declaration on the conservation of forest ecosystems in Central Africa, adopted by the Heads of State of the Central African countries in March 1999. CBFP members also agreed to support effective implementation of the COMIFAC Convergence Plan, to share information and to better harmonise their activities. These principles of the partnership were set out in a ‘cooperation framework’, adopted by the CBFP members on the occasion of the second summit of the Central African Heads of State in February 2005 in Brazzaville. According to the definition in the cooperation framework, the objectives of the partnership are to enhance the effectiveness of the partners’ interventions in favour of **conservation** and **sustainable management of forest ecosystems**, **economic growth** and **poverty reduction** in the countries of Central Africa.

In order to achieve these fundamental goals, the members agreed in their ‘cooperation framework’ to respect the five ‘sustainability principles’ set out below:

- Simultaneous promotion of economic development, poverty reduction and conservation of biodiversity;
- Incorporation of their activities into the national and regional programmes of COMIFAC member states;
- Institutional support to COMIFAC and its subregional partner institutions;
- Greater involvement of civil society and the private sector;
- Better transparency in the management of the sector through national and regional consultation processes.

The form of governance chosen for the CBFP is steering through ‘facilitation’ provided by one of the members for a two-year period. The role of the facilitator is to organise a dialogue and to promote collaboration between the different partners, to set up a work programme based on the guidelines provided in the COMIFAC Convergence Plan, and to represent the partnership externally. The facilitator is chosen on a voluntary basis. After the United States of America, which was facilitator from 2003 to 2004, this role was played by France for the period 2005-2007, and now by Germany (2008-2009).

#### 2. PRINCIPAL RESULTS OF THE EVALUATION OF THE PARTNERSHIP AND ITS FACILITATION PHASES

In anticipation of the hand-over of CBFP facilitation to Germany, a joint Franco-German evaluation was conducted consisting of three principal components:

- Evaluation of the partnership as such
- Evaluation of the American and French facilitation phases (2003-2007)
- Formulation of concrete proposals for the German facilitation (2008-2009).

The evaluation of the partnership and its successive facilitation phases followed a participatory approach based on broad consultation of people involved in the forest environment sector in Central Africa, chosen principally on the basis of participation in the last plenary meeting of the CBFP in Paris in 2006, supplemented by recommendations of consulted resource persons from the CBFP member countries.

## **2.1 Principal findings of the CBFP evaluation**

Almost all the people interviewed expressed a positive view of the partnership, believing it to be beneficial to efforts targeting the objectives of conservation and sustainable management of the Central African forests. The elements deemed satisfactory included operation, coordination, sharing of information and consultation among partners. The outcomes achieved so far were generally considered positive. The majority of those interviewed also thought that the flexibility and openness of the partnership were assets making it possible to bring together actors with divergent concerns and to create a credible and attractive cooperation framework.

Nevertheless, the evaluation also brought to light a number of weaknesses, including the lack of performance and impact indicators to monitor the activities of the CBFP. Furthermore, some areas still need strengthening, namely i) assistance to Congo Basin countries regarding participation in the international forest dialogue and international negotiations (major conventions); ii) stronger support for the climate, biodiversity and forest focal points before and during COP meetings; iii) the search for consistent positions among the development partners involved in the forest sector in Central Africa.

Moreover, the reflection groups wanted the CBFP's mission to be clarified and developed further to improve the following aspects within the CBFP: consultancy, exchange, appraisal and evaluation. Of the other ideas put forward to render the partnership more effective, the more prominent were: clarifying the criteria for joining the CBFP and their implications for members; the need for regular information sharing on partners' activities and contributions to implementing the Convergence Plan (nature of the activities, level of funding, etc.).

Regarding the membership of the Congo Basin Forest Partnership, it was suggested that greater efforts should be made to increase its representative character by seeking to mobilise all stakeholders, including those from the private sector and civil society, in particular through the CEFDHAC and its networks, China, AfDB and other development partners that are either still absent or inactive. It was proposed that consultation mechanisms specific to certain types of stakeholder (extractive industries, etc) and certain member countries (economic groups) should be used to that end. Several respondents expressed the wish to see the partners provide more support to the other subregional partner organisations of the COMIFAC entrusted with implementing the Convergence Plan (CEFDHAC, ADIE, ATO, OCFSA, RAPAC) and related ongoing reform processes.

## **2.2 Principal outcomes of the evaluation of the first two facilitation phases**

The principle of a concerted effort in formulating the terms of reference (road map) for the facilitation was welcomed by respondents, who thought this practice should be continued for future facilitation phases.

The website and internal electronic communication, managed by the facilitator, were also considered important and commended by the partners, who thought they should be maintained and if possible enhanced.

All partners stressed the importance of continuing the main facilitation elements introduced and practised during the last few years and found to be satisfactory, including:

- The flexible nature of facilitation with a road map drawn up in consultation with the other partners;
- The presence of an operational facilitation in the subregion;
- Maintaining motivation within the CBFP through internal communication, the website, meetings, working groups and specific cooperation activities;

- Coordination of members' activities for implementing the Convergence Plan, capacity development and strengthening of the COMIFAC executive secretariat and subregional partner institutions;
- Promoting the CBFP and mobilising new members, raising the visibility of the CBFP and its members' activities.

Aspects of facilitation noted as requiring improvement include: i) better understanding among partners on the goals of the facilitation; ii) better clarification of the different roles and responsibilities of the CBFP and the COMIFAC executive secretariat; iii) consideration of merits and, as appropriate, practical modalities of an African co-facilitation; iv) stronger involvement of certain important stakeholders such as the private sector and civil society; and v) stronger consideration of and activities directed to issues relating to forest governance (AFLEG/FLEGT and certification).

Results of the evaluation process and consultation of CBFP members prepared the ground for formulating the draft TORs of the German facilitation period, specifying the coordination principles and main priority areas for the forthcoming two years.

The draft terms of reference were distributed to the CBFP members in October 2007 and presented during the CBFP plenary meeting in Paris on 26 October 2007. Comments and suggestions received before and during the meeting were carefully considered and incorporated into the final version of the terms of reference, as detailed below. This final version also takes into account relevant recent developments (CEEAC specialised institution status granted to COMIFAC, results of the 6<sup>th</sup> CEFDHAC meeting).

### **3. STRATEGY AREAS AND PRIORITY ACTIONS OF THE GERMAN FACILITATION PHASE**

Based on the recommendations of the evaluation process, recent consultation of CBFP members, and taking into account current priorities of the international and regional forest policy arena, German facilitation proposes to enhance CBFP member activities in the following four strategic priority areas:

- **Strengthening of COMIFAC institutions and the CBFP**
- **Improvement of forest governance and framework conditions**
- **Implementation of the Convergence Plan and major international environmental conventions and agreements**
- **Innovative financial mechanisms to support funding of Convergence Plan measures**

For the activities to be undertaken, the facilitation will rely as much as possible on the existing working groups which will be evaluated and strengthened as required. The German facilitation will inform and consult with the partnership members on a regular basis, and respect and follow the dispositions of the COMIFAC treaty regarding the role and responsibilities of the regional institutions.

#### **3.1 Strengthening of COMIFAC institutions and the CBFP**

##### **3.1.1 Institutional support to the executive secretariat and partner institutions of COMIFAC**

The COMIFAC support office (Bureau d'appui/BA) will continue to serve as the principal tool for attaining the goals of this priority area during the coming years. More partners will be actively encouraged to join the BA and to follow its successful methodological approach of shared planning, coordinated operations and pooled resources. The German facilitation will work closely with the BA team and complement its efforts to implement the following priority activities:

- i. Reforming and strengthening the COMIFAC partner institutions responsible for implementing the Convergence Plan, through continued policy dialogue within the partnership and additional studies, if needed;
- ii. Implementing a sustainable financial mechanism for COMIFAC, as the key element of institutional reform, with due consideration of CEEAC and autonomous options;

- iii. Launching the COMIFAC monitoring and evaluation system, with particular emphasis on preparing the Status of the Central African Forests report in 2008;
- iv. Strengthening COMIFAC national coordination points, which constitute essential interfaces between the executive secretariat and COMIFAC member countries, based on an analysis of their technical and financial assistance needs;
- v. Strengthening subregional coordination and the positioning of the subregion in the international forest dialogue, profiting from the existing working groups on CCC, CBD, UNFF and FLEGT.

### **3.1.2 Strengthening of the CBFP**

The CBFP has without doubt made considerable organisational progress during the last three years. The German facilitation has the task of continuing and consolidating the actions already under way. In addition, it strives to develop the CBFP's coordination potential fully and to emphasise its role as a forum for dialogue among all the stakeholders of the forest sector. The priority activities in this area are:

- i. Promoting an open dialogue among partners: i) identifying and clarifying common positions and differences of view, and ii) as far as possible, identifying common visions and approaches, with the help of ad hoc working groups;
- ii. Strengthening coordination within the CBFP through consultations, assessments and political dialogue within the partnership, making it possible a) to identify lead actors among the partners for priority activities, b) to identify and engage direct correspondents of the facilitation in the partner countries;
- iii. Holding regular meetings of the CBFP and the regional consultative committee (CCR) and making the most of those meetings by carefully applying moderation techniques suitable for large groups and different meeting types, which make it possible to mobilise and encourage the active participation of each member of the partnership;
- iv. Developing and implementing a CBFP communication and promotion strategy (interactive website, etc.), complementing and supporting the COMIFAC communication strategy;
- v. Networking with other regional initiatives (NEPAD, International Conference on the Great Lakes Region, CEEAC, CEMAC, etc).

Additionally, the German facilitation will ask the CBFP partners to identify the priority areas and activities for their respective interventions during the period 2008-09. On the basis of this information, CBFP partners active in the same priority area will be invited to strive for collaboration and harmonisation of their approaches and activities and – if appropriate - to form working groups to this end. Short annual reports on the work progress made in the respective priority areas should be forwarded to the facilitator to be circulated among CBFP members and to be presented and discussed at the CBFP and CCR meetings, as a basis for monitoring the CBFP's programmatic work for 2008-2009

### **3.2 Improving forest governance and framework conditions**

Three important processes regarding improved forest governance are currently under way in the subregion, namely: i) formulation and implementation of National Forest Programmes (NFP); ii) implementation of the AFLEG indicative list of actions and voluntary partnership agreements (VPA) with the European Union to promote compliance with forest laws and regulations; and iii) certification of forest concessions to promote sustainable management of production forests. The German facilitation will contribute to these initiatives through the following priority activities:

- i. Supporting national and regional initiatives relating to these major areas of interest;
- ii. Intensifying information sharing in the subregion to strengthen and harmonise approaches;

- iii. Mobilising civil society and the private sector to participate in CBFP activities and bringing major new actors (China) to interact with the partnership;
- iv. Approaching other initiatives (Extractive Industries Transparency Initiative, EITI) and economic sectors, motivating them to take part in CBFP meetings and the subregional forest dialogue.

### **3.3 Implementation of the Convergence Plan and major international environmental conventions and agreements**

The Convention on Biological Diversity, the United Nations Framework Convention on Climate Change, and to a lesser degree the Convention to Combat Desertification are the major international conventions that are relevant to the Congo Basin. In addition, an international non-legally binding instrument (NLBI) on forests has been adopted in the framework of the United Nations Forum on Forests (UNFF). The German facilitation will make it a priority to drive forward the issues surrounding these themes in Central Africa and will pay special attention to:

#### **3.3.1 The REDD process (Reducing Emissions from Deforestation and Degradation) and other International Forest-related processes**

As recently agreed at COP 13/UNFCCC in Bali in December 2008, emissions from deforestation and forest degradation will be considered in a future international climate regime. It appears key for Congo Basin states to have degradation as well reflected as deforestation during further negotiations. This issue can play a strong role in national forest policies in the Congo Basin during the coming years. Besides, regional NFP processes will need to become adjusted to accommodating the NLBI and REDD. The German facilitation will therefore focus its efforts on:

- i. Supporting the Central African countries in preparing and consolidating a joint, well-argued position on these issues and promoting its consideration by the appropriate international instances;
- ii. Building capacity in the Central African pilot countries to prepare for and implement the REDD mechanism and the NLBI;
- iii. Supporting partners in formulating and implementing REDD pilot projects in the COMIFAC region and feeding the lessons learned into the international debate;
- iv. Networking with international partners to ensure that COMIFAC countries receive adequate support in the subjects of REDD, NLBI, NFP.

#### **3.3.2 The ABS process (access and benefit sharing from the use of genetic resources) and support for the conservation of biological resources**

The tremendous biological diversity of the forests of the Congo Basin is well known. But is it generating sufficient benefits for the subregion? Ongoing discussions on establishing an international ABS regime in the framework of CBD are very slow and complex due to highly divergent interests of the biodiversity-rich countries and the technology-rich countries, the latter being the main users of the biological and genetic resources. COMIFAC and the countries of the subregion should be encouraged to put in place specific ABS legislation reflecting their national interests, respect for traditional uses of genetic resources and traditional knowledge and practices, without forgetting the aspects of technology transfer, intellectual property rights, and the problems of access to the results and benefits of biotechnologies.

The German facilitation intends:

- i. To assist the countries of Central Africa in drawing up a joint well-founded position on ABS and in ensuring that due consideration is given to it in the international regime under preparation;
- ii. To facilitate active participation by the subregion in important relevant negotiations (9th COP meeting on the Convention on Biological Diversity, scheduled to take place in Bonn in 2008);

- iii. To strengthen support to protected areas and trans-boundary national park conservation networks through its established channels of bilateral and sub-regional cooperation.

### **3.4 Innovative financial mechanisms to support funding of measures determined in the Convergence Plan**

On this point, as on all other points, German facilitation intends to build on the work started during the French facilitation phase of the CBFP. Relevant actions will take place in the framework of the COMIFAC working group on financial mechanisms and will focus on making optimum use at subregional level of international, regional and national initiatives related to forest/environment sector funding, including the Kyoto Protocol, REDD process, Clean Development Mechanism (CDM) and possible options for a voluntary global financial mechanism for Sustainable Forest Management under discussion within the UNFF framework. Furthermore, German facilitation intends to engage in efforts to help improve access to new and existing financing mechanisms and to help provide better incentives for private sector investments.

## **4. FINAL REMARKS**

In continuation of the work of former facilitators, Germany strives to strengthen the CBFP's coordination potential further and to fully develop its role as a forum for dialogue among all the stakeholders of the forest sector. The forest sector in the region still faces tremendous problems and tasks to be addressed during the coming years, including some new and important topics. To keep the spirit and momentum of the partnership alive and growing and to achieve tangible improvements in the various fields of action of the partnership, all actors are called upon, to increase their contributions to the improvement of the forest sector in the Congo Basin and to the work of the facilitation.